

Message Text

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ACTION NEA-10

INFO OCT-01 ISO-00 PM-04 NSC-05 SP-02 SS-15 L-03 H-02

CIAE-00 INR-07 NSAE-00 CPR-01 OPR-02 USIA-06 A-01

AID-05 IGA-01 /065 W

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P R 100731Z NOV 75

FM AMEMBASSY KUWAIT

TO SECSTATE WASHDC PRIORITY 4039

INFO SECDEF WASHDC//ISA//

USCINCEUR//ECJ4/7-SAME//

C O N F I D E N T I A L KUWAIT 4667

E.O. 11652: GDS

TAGS: MASS, KU

SUBJ: MEMORANDUM OF UNDERSTANDING FOR USLOK

REF: A. STATE 262443 DTG 052226Z NOV PASEP

B. KUWAIT 4599 DTG 071253Z NOV 75

C. USCINCEUR 11401 DTG 241517Z JAN (NOTAL)

1. WE ARE DELIGHTED TO RECEIVE DRAFT MOU TRANSMITTED UNDER COVER REFTEL A AND ANXIOUS TO PROCEED WITH DISCUSSIONS WITH GOK. HOWEVER, BELIEVE PROPOSED PARA (2) ON CRIMINAL JURISDICTION CERTAIN TO GENERATE STRONG ADVERSE REACTION. STRONGLY RECOMMEND THIS PARAGRAPH BE DELETED IN ITS ENTIRETY AS THIS MATTER WELL COVERED IN BASIC AGREEMENT. ANY REOPENING OF SUBJECT CERTAIN TO CREAT STRONG DEMANDS FOR LESS FAVOURABLE TREATMENT. (GOK FULLY CONVERSANT WITH LANGUAGE IN USG/SAG MOU ON THIS SUBJECT.)

2. AS FALLBACK AND IF PRESSED BY GOK, PROPOSE FOLLOWING SUBSTITUTE LANGUAGE QUOTE 2. MILITARY AND CIVILIAN PERSONNEL AND THEIR DEPENDENTS PRESENT IN KUWAIT IN CONNECTION WITH THE BASIC AGREEMENT WILL OBEY THE LAWS OF THE STATE OF KUWAIT. U.S. MILITARY AUTHORITIES MAY ENFORCE MILITARY DISCIPLINE IN ACCORDANCE WITH THE LAWS OF THE UNITED STATES. UNQUOTE.

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3. REQUEST CONCURRENCE ACTIONS PROPOSED PARAS (1) AND (2) ABOVE.

4. WE ALSO HAVE CERTAIN RESERVATIONS CONCERNING LANGUAGE PROPOSED IN PARAS (1) AND (19) OF DRAFT MOU BUT ARE WILLING TO SUBMIT MOU TO GOK WITHOUT CHANGE IF SPEEDY AGREEMENT FOR MODIFICATION IMPOSSIBLE TO OBTAIN FROM INTERESTED AGENCIES.

5. SPECIFICALLY, WITH RESPECT TO PARA (19) OF PROPOSED MOU CONCERNING A MILITARY POST OFFICE, SUGGESTED WORDING IMPLIES THAT BASIS IS PERSONAL WELFARE OF PERSONNEL VICE BENEFIT TO GOK. IN MANY DISCUSSIONS WITH GOK OFFICIALS WE HAVE EMPHASIZED NEED FOR APO ON BASIS OF TRANSMISSION OF CLASSIFIED MANUALS, ETC., NOT AS A BENEFIT TO USG PERSONNEL. SUGGEST LANGUAGE BE CHANGED TO READ QUOTE THE GOVERNMENT OF THE UNITED STATES MAY ESTABLISH AND OPERATE A UNITED STATES MILITARY POST OFFICE. UNQUOTE.

6. PARA (1) OF DRAFT MOU MAKES CH USLOK RESPONSIBLE FOR COORDINATION OF U.S. SECURITY ASSISTANCE ACTIVITIES IN KUWAIT. THIS WORDING APPEARS TO FALL CONSIDERABLY SHORT OF AUTHORITY PREVIOUSLY STATED AS NECESSARY REFTEL B. SUGGEST WORDING BE CHANGED TO FOLLOWING: QUOTE THE CHIEF, U.S. LIAISON OFFICE KUWAIT, SHALL BE THE SENIOR U.S. MILITARY REPRESENTATIVE IN KUWAIT AND, SUBJECT TO THE OVERALL DIRECTION OF THE CHIEF OF THE U.S. DIPLOMATIC MISSION SHALL BE RESPONSIBLE FOR EXECUTION OF U.S. MILITARY ASSISTANCE ACTIVITIES IN KUWAIT. THE CHIEF OF THE LIAISON OFFICE WILL BE THE UNITED STATES MILITARY COMMANDER OVER THE LIAISON OFFICE PERSONNEL, INCLUDING PERSONNEL TEMPORARILY ASSIGNED TO DUTY IN KUWAIT. UNQUOTE. IN REFTEL (C), USCINCEUR AGREED CH USLOK SHOULD HAVE THIS AUTHORITY.

7. WHILE CHANGES SUGGESTED PARAS (4-6) ABOVE DESIREABLE, WE DO NOT WISH TO DELAY COMMENCEMENT DISCUSSIONS WITH GOK IF TIMELY AGREEMENT INTERESTED AGENCIES CANNOT BE OBTAINED. PLEASE ADVISE. IN ANY CASE, DESIRE ASAP RESPONSE TO PARAS (1-3) THIS MESSAGE.
STOLTZFUS

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